



UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of :
McIntyre et al. :
Application No. 09/717,448 :
Filed: November 20, 2000 : DECISION ON
Title of Invention: METHOD OF : PETITION
SHARING IMAGES ALLOWING THIRD PARTY :
PRINT ORDERS VIA A WEB SITE :

This is a decision in response to the petition under 37 CFR 1.137(b), filed September 2, 2005, to revive the above-identified application. The petition is properly treated as a petition to withdraw the holding of abandonment of the application under 37 CFR 1.181 (no fee).

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due ("Notice"), mailed December 2, 2004. The Notice action set a non-extendable two (2) month period for reply. No response having been received, the application became abandoned on March 3, 2005. A Notice of Abandonment was mailed August 17, 2005.

Applicant files the instant petition wherein Applicant avers that the issue fee was timely filed and received in the Office on February 23, 2005. In support of this assertion, Applicant files a copy of the PTOL-85B, Issue Fee Transmittal Form, and a copy of a postcard receipt, stamped by this Office which acknowledges receipt by this Office of an Issue Fee Form for the above-identified application on February 23, 2005. Office records also reveal that an Issue Fee Form for the above-identified application was received in this Office on February 23, 2005.

A further review of Office records reveal that an attempt to charge deposit account 05-0225 the issue fee on February 24, 2005 was unsuccessful because of a lack of funds in deposit account 05-0225. As such, the application was properly held abandoned for failure to timely reply to the Notice.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


Derek L. Woods
Attorney
Office of Petitions